

FAYETTEVILLE VIRTUAL ACADEMY

**CHARTER INTERNAL
REVIEW COMMITTEE
REVIEW AND APPLICANT
RESPONSES**

Fayetteville Virtual Academy

PRE-APPLICATION MATERIALS

The Arkansas Department of Education requires that all applicants submit a Letter of Intent, outlining a general description of the proposed charter school.

Evaluation Criteria:

- A Letter of Intent was filed with Arkansas Department of Education on time and included all the necessary information

Fully Responsive

PART B EXECUTIVE SUMMARY

The Arkansas Department of Education requires all applicants to include an executive summary.

Evaluation Criteria:

- A mission statement (with content to be evaluated for Prompt #2 of Part C); and
- The key programmatic features of the proposed charter school

Fully Responsive

PART C NARRATIVE DESCRIPTION OF THE PROPOSED CHARTER

C1: PUBLIC HEARING RESULTS

All districts must conduct a public hearing before applying for a district conversion or limited charter school to assess support for the school's establishment. Applicants are asked both to document the logistics of the hearing and to include a narrative of the hearing results.

Evaluation Criteria:

- A thorough description of the results of the public hearing;
- Evidence of public support exhibited at the hearing;
- Documentation of required notice published to garner public attention to the hearing; and
- Documentation of required notices about the hearing being sent to the community, certified school personnel, and parents of all students enrolled at the public school for which the school district initiated the application

Fully Responsive

C2: MISSION STATEMENT

The Mission Statement should be meaningful and indicate what the school intends to do, for whom, and to what degree.

Evaluation Criteria:

- A mission statement that is clear and succinct

Fully Responsive

C3: EDUCATIONAL NEED

The Educational Need section should explain the need for a charter school in the proposed location and the innovative educational option offered by the charter school.

Evaluation Criteria:

- Valid, reliable, and verifiable data substantiate an educational need for the charter; and
- Innovations that would distinguish the charter from other schools

Fully Responsive

Concerns and Additional Questions

- **Explain if the clubs will be available to charter school students only.**
- **Confirm that any field experience required as part of a course will be free to the student.**

Applicant Response:

Clubs sponsored by Fayetteville Virtual Academy (FVA) will be primarily offered to and available for FVA students only. There could be occasional exceptions in the case of joint-effort teams (robotics, etc.) where schools might work together.

All field experiences will be offered at no charge to the students. Parents may be required to provide transportation on occasion.

C4: ACADEMIC ACHIEVEMENT GOALS

The Academic Achievement Goals section should define the performance expectations for students and the school as whole and support the charter's mission.

Evaluation Criteria:

- Specific goals in reading and mathematics that are clear, measurable, and attainable;
- Valid and reliable assessment tools to be used to measure the goals; and

- Attainment of the goals demonstrate that the charter is meeting the identified educational need for the school and fulfilling its mission

Fully Responsive

Concerns and Additional Questions

- **Confirm that alternative assessments will be provided to students when included in IEPs.**

Applicant Response:

Fayetteville School District confirms that alternative assessments will be provided to students when included in the student's IEP.

C5: SCHEDULE OF COURSES OFFERED

The Schedule of Courses Offered section should describe the schedules for a week at the elementary level and courses offered at each grade at the secondary level.

Evaluation Criteria:

- Evidence that the charter school meets minimum state requirements of courses offered at appropriate grade levels

Fully Responsive

Concerns and Additional Questions

- **Confirm that extracurricular participation will be in compliance with Arkansas Activities Association Rules.**

Applicant Response:

Fayetteville School District confirms that all extracurricular participation by FVA students will be in compliance with Arkansas Activities Association Rules.

C6: PROGRAMS AND METHODS TO SUPPORT CORE CLASSES

The Programs and Methods to Support Core Classes section should describe the curriculum for core classes.

Evaluation Criteria:

- A clear description of curriculum, including programs and instructional methods to be used in core classes; and

- An explanation of how the district will pay for all costs associated with the curriculum

Fully Responsive

Concerns and Additional Questions

- Explain if district staff or a contracted provider will provide digital instruction.
- If the district plans to contract for digital instruction, name the providers under consideration.
- Explain the type of at home support that will be provided for the students and their guardians or learning coaches.
- Explain how students PLPs will be developed, specifically for students who have not previously been enrolled in the district.
- Explain the source of funding for the student technology and connectivity.

Applicant Response:

Regarding Digital Instruction:

An excellent and proven online curriculum package, provided by k12 and Fuel Ed, for grades K-12 will be utilized in the Fayetteville Virtual Academy (FVA). Fuel Ed is the provider for grades 6 – 12; k12 is the provider for grades K-5. For the core courses (English language arts, math, science, and social studies) in each of grades 4 – 8, FVA teachers will deliver the k12 or Fuel Ed curriculum in a blended learning format. k12 curriculum and Fuel Ed curriculum are aligned to Arkansas standards in the four core content areas. Curriculum for the three noncore areas (music, art, world languages) in each grade level will be delivered by k12 and Fuel Ed teachers using k12 curriculum for grades K-5 and Fuel Ed curriculum for grades 6 – 12, which are both aligned to Arkansas standards in music, art, and world languages. FVA teachers will closely monitor progress of FVA students in the noncore areas and will collaborate and intervene when appropriate with the k12 or Fuel Ed teachers. Standards within the Arkansas Framework for Physical Education will be learned by students at each grade level with the focus being on developing a personalized fitness plan for each student. FVA teachers will coordinate the development of the personalized fitness plan and the learning of PE standards for FVA students.

Regarding Home Support:

FVA teachers will monitor electronically the progress of each FVA student to ensure that students are being successful and are progressing within the FVA curriculum. To monitor the student's progress, the PLP will be reviewed by the teacher, student, and parent (PLP team) regularly to make sure that the student, whether advanced, on-track, or at-risk, is demonstrating success including opportunities for challenge. Adjustments will be made to ensure that all students are progressing at the optimum rate for each child. FVA teachers will be accessible daily by phone or email to parents/learning coaches of FVA students to provide any assistance that parents need in order to help their child progress and experience success within the FVA curriculum.

In addition to support provided to parents while at home with their student, FVA teachers

will be available during office hours for parent meetings.

Regarding Student PLPs:

For FVA students who have not been previously enrolled in FPS, the FVA staff will gather information that informs placement of the student within the FVA curriculum. FVA students will be asked to provide samples of student writing, to respond to an Informal Reading Inventory(ies) administered by FVA staff, to take a mathematics assessment, and to respond to math performance tasks. FVA staff will review the individual student's performance on all of the above in order to determine placement within the appropriate grade level curriculum offered within the FVA. Results from these assessments are critical in the development of the Personal Learning Plan for FVA students who do not bring evidence of completed grade level curriculum.

Regarding Funding for Technology:

FVA families will be expected to provide a technology device and necessary accessories for their students who will be enrolled in the FVA. For low income families, FVA will provide a computer and needed accessories via a "one year loan" agreement that will be negotiated by the FVA Director and the particular family and signed by both parties. FVA will not provide the cost for connecting to the internet; however, the FVA director will assist the FVA families to make contact with a local cable company to seek the low cost monthly connectivity rate (Cox Cable currently offers \$9.95/month). The cost for technology will be provided through district funds (state foundation funds and local revenue) and through additional grant funding. Grant funds are currently being sought from the Walton Family Foundation in support of start-up costs for the FVA.

Remaining Issues:

- The applicant states that the charter will provide a computer and needed accessories via a "one year loan" to low income families, but low income is not defined. The charter will require the families to pay for connectivity.
- The applicant should be aware that all courses may not be approved for NCAA purposes.
- The applicant should be aware that the digitally provided AP Courses must be instructed by College Board trained instructors with approved syllabi.

C7: EDUCATIONAL PROGRAM

The Educational Program section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

Evaluation Criteria:

- A clear description of the proposed educational program, including but not limited to the foundational educational philosophy and curricular and instructional strategies to be employed;
- An educational program with ample resources to ensure that students achieve academic goals and excel; and

- A description of the grade levels and maximum enrollment, by year, if the charter plans to grow over time.

Fully Responsive

Concerns and Additional Questions

- Confirm that PLPs will be developed, specifically for students who have not previously been enrolled in the district, as described in response to C-6 comments.

Applicant Response:

Regarding Student PLPs:

As stated above, for FVA students who have not been previously enrolled in FPS, the FVA staff will gather information that informs placement of the student within the FVA curriculum. FVA students will be asked to provide samples of student writing, to respond to an Informal Reading Inventory(ies) administered by FVA staff, to take a mathematics assessment, and to respond to math performance tasks. FVA staff will review the individual student's performance on all of the above in order to determine placement within the appropriate grade level curriculum offered within the FVA. Results from these assessments are critical in the development of the Personal Learning Plan for FVA students who do not bring evidence of completed grade level curriculum. Fayetteville School District confirms that PLPs will be developed for students who have not been previously enrolled in the district.

C8: CHARTER MODEL

Evaluation Criteria:

- Specific reasons why it is critical for the district to have a charter school rather than implementing the plan outlined in the application on an existing traditional campus

Fully Responsive

C9: AUTONOMY

Evaluation Criteria:

- A clear description of all the ways in which the charter school will have more autonomy than traditional schools in the district, specifically pertaining to personnel, budget, day-to-day operations, and the school calendar

Fully Responsive

Concerns and Additional Questions

- Explain the ways in which developing and managing the budget and day-to-day operations will be conducted differently from other schools in the district.

Applicant Response:

The FVA director will work with the staff of the FVA to determine the needs of the students and the school. Once the staff has determined the priorities for the next year the director will work with the district CFO to create the budget for that year. Day to day operations will be led by the director and will follow district guidelines to be transparent and accountable. The director is the primary person responsible for the finances of the FVA with the support of the district financial staff. The director is responsible for purchasing but will also have the support of the district group purchasing power. This method of budget management has proven to be successful, so it is not substantially different from other schools within the district.

C10: SCHOOL IMPROVEMENT PLAN

Evaluation Criteria:

- Meaningful and realistic ways to involve licensed employees and parents in developing and implementing the school improvement plan, identifying performance criteria, and evaluating the effectiveness of the improvement plan
- A plan that addresses how the charter school will improve student learning and meet the state education goals

Fully Responsive

C11: CURRICULUM ALIGNMENT

The Curriculum Alignment section should define the process by which the charter will ensure that the curriculum aligns with Arkansas Curriculum Frameworks and state standards.

Evaluation Criteria:

- Evidence that the applicant has a process to ensure all curriculum materials, used in the educational program, align with the Arkansas Department of Education's curriculum frameworks and the Common Core State Standards

Fully Responsive

Concerns and Additional Questions

- **Outline a process that will be in place to ensure that all curriculum materials, used in the educational program, align with the Arkansas Department of Education's Curriculum Frameworks and the Common Core State Standards.**

Applicant Response:

During each spring and summer, FVA teachers in each specific course will meet with FPS content specialists to jointly review and determine that the FVA curriculum maps are aligned to all Arkansas Frameworks and Common Core State Standards and make any revisions deemed appropriate. This is particularly important with the New Arkansas Framework for Science and recently revised Arkansas Framework for Social Studies.

C12: STUDENT SERVICES

The Student Services section should describe how the school will address specific services for its student body.

Evaluation Criteria:

A description of the ways in which the following services will be provided to students **even in each area for which a waiver is requested:**

- A guidance program that will serve all students;
- A health services program that will serve all students;
- A plan for a media center for use by all students;
- Sound plans for educating special education students that reflect the full range of programs and services required to provide such students with a high quality education;
- A transportation plan that will serve all **eligible** students;
- An alternative education plan for eligible students, including those determined to be at-risk and to offer access to one or more approved Alternative Learning Environments;
- A plan to serve students who are English language learners; and
- Plans for a gifted and talented program for eligible students

Fully Responsive

Concerns and Additional Questions

- **Based on the information provided, the applicant will need to apply for a waiver of ALE Rules.**

Applicant Response:

We wish to amend our application to read as follows:

Fayetteville Public Schools offers an established alternative education program within the school district. Teachers in the alternative education program are fully certified and receive specialized training in the pedagogy and curriculum to meet the needs of their students referred to the ALE. FVA will provide appropriate discipline and intervention responses for students with disciplinary, socially dysfunctional or behavioral problems, but will not provide a physical ALE center, as the school is operated virtually.

We respectfully request to amend our application to include a waiver request of ALE rules.

C13: ANNUAL PROGRESS REPORTS

The Annual Progress Reports section should define how the academic progress of individual students and the school as a whole will be measured, analyzed, and reported.

Evaluation Criteria:

- A timeline for data compilation and completion of an annual report to parents, the community and the authorizer, **separate from the district's annual report to the public**, that outlines the school's progress;
- A plan for dissemination of the annual report to appropriate stakeholders

Fully Responsive

C14: ENROLLMENT CRITERIA AND PROCEDURES

The Enrollment Criteria and Procedures section should describe how the school will attract and enroll its student body, including any criteria for admission and enrollment. Applicants must also provide assurances for a random, anonymous lottery selection process.

Evaluation Criteria:

- A student recruitment plan that will provide equal opportunity for all parents and students to learn about and apply to the school
- An enrollment and admissions process that is open, fair, and in accordance with applicable law
- A process for, and a guarantee of, a random, anonymous lottery process should there be more student applications than can be accommodated under the terms of the charter

Fully Responsive

Concerns and Additional Questions

- **Confirm that students residing outside of the Fayetteville School District will be legally entitled to attend the proposed charter via school choice, legal transfer, or other legally allowable options.**
- **Provide a copy of the "letter of commitment."**

Applicant Response:

Fayetteville Virtual Academy will accept and welcome students who reside outside of the Fayetteville School District who enroll in the school via school choice, legal transfer or other legally allowable options.

FVA Letter of Commitment is included.

C15: PRIOR CHARTER INVOLVEMENT

Evaluation Criteria:

- A complete Prior Charter Involvement Template for each individual connected with the proposed charter;
- Accurate data in each Prior Charter Involvement Template, including active links to assessment data

Fully Responsive

C16: STAFFING PLAN

The Staffing Plan section should describe the job duties of the school administrator(s) and other key personnel. This section should also describe the professional qualifications which will be required of employees.

Evaluation Criteria:

- A job description for the school administrators and other key personnel, including but not limited to counselors and teachers;
- An outline of the professional qualifications required for administrators, teachers, counselors, and others; and
- A staffing plan that clearly outlines both the types and numbers of positions to be filled at the school and salary scales for such positions

Fully Responsive

Concerns and Additional Questions

- **For each position, provide the minimum qualifications that will not be waived under any circumstances.**

Applicant Response:

The following minimum qualifications will not be waived:

FVA Director:

**Arkansas Teaching License
Master's Degree *We request to amend our original application to include this qualification.**

FVA Assistant Director:

Arkansas Teaching License

Teacher (K-12):

Arkansas Teaching License

Field Experience Coordinator:

College Degree

Administrative Assistant:

High School Diploma *We request to amend our original application to include this qualification.

Remaining Issues: It remains unclear if the applicant understands that the special education instructor must be licensed in special education.

C17: ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK ASSURANCES

The Arkansas Public School Computer Network (APSCN) Assurances section should provide documentation of the applicant's understanding of and participation in the required state finance and educational data reporting system.

Evaluation Criteria:

- Assurance that the charter school will participate in APSCN and will comply with all state statutory requirements regarding the APSCN finance and educational data reporting system

Fully Responsive

C18: FACILITIES

The Facilities section should identify and describe the facilities to be used by the school and any changes to be made to the facilities.

Evaluation Criteria:

- An identified facility appropriate to meet the needs of the school over the term of its charter
- A realistic plan for remodeling or adapting a facility, if necessary, to ensure that it is appropriate and adequate for the school's program, the school's targeted population, and the public
- Evidence that the school understands the costs of securing and improving a facility and has access to the necessary resources to fund the facility plan
- A sound plan for continued operation, maintenance, and repair of the facility

Fully Responsive

C19: FOOD SERVICES

This section should describe how the school will address food services for its student body.

Evaluation Criteria:

- A food service plan that will serve all eligible students
- A management plan that reflects a clear understanding of federal law and requirements if the charter school plans to participate in the National School Lunch program

Fully Responsive

C20: PARENTAL INVOLVEMENT

The Parental Involvement section should describe how parents or guardians of enrolled students, the school employees, and other members of the community will make a positive impact on the school and its educational program.

Evaluation Criteria:

- A plan for involving parents and guardians in the school's education program
- A proposal that involves the parents of students, employees and the broader community in carrying out the terms of the charter

Fully Responsive

C21: DESEGREGATION ASSURANCES

The Desegregation Assurances section should describe the applicant's understanding of applicable statutory and regulatory obligations to create and maintain a unitary system of desegregated public schools.

Evaluation Criteria:

- Assurance that the charter school will comply with all applicable federal and state statutory and regulatory requirements regarding the creation and maintenance of desegregated public schools
- An outline of the potential impact of the proposed charter school on those desegregation efforts already in place in affected public school districts

Fully Responsive

C22: SUSTAINABILITY OF THE PROGRAM

The Sustainability section should describe the applicant's plan to ensure continued success of the charter school over time.

Evaluation Criteria:

- The plan to ensure the sustainability of the charter in the future

Fully Responsive

C23: WAIVERS

The Waivers section should discuss all waivers requested from local or state law.

Evaluation Criteria:

- Each law, rule, and standard by title, number, and description for which a waiver is requested
- A rationale for each waiver request
- An explanation of the way that each waiver would assist in implementing the educational program of the charter and/or fulfilling the charter’s mission

Fully Responsive

Partially Responsive

Not Responsive

Concerns and Additional Questions

See Legal Comments.

OTHER:

- Complete the following table with the grade levels and maximum enrollment to be served by year:

Applicant Response:

School Year	Grade Levels	Maximum Enrollment
2016-2017	4-8	100
2017-2018	4-10	225
2018-2019	4-12	350
2019-2020	K-12	500
2020-2021	K-12	500

Remaining Issues: The effect of the letter of commitment to be signed by student, parent/guardian, and advisor after orientation, includes the following statement, “I commit to finish at least one year at the Fayetteville Virtual Academy before considering a different learning environment.”

Fayetteville Public Schools

Letter of Commitment for Fayetteville Virtual Academy

To be completed after Orientation:

As a Fayetteville Virtual learning student:

____ I will regularly check my dashboard for messages, assignments, and work to be completed.

____ I will communicate regularly with my advisor and all teachers.

____ I understand that my teachers, advisor, and director are resources to assist me in my learning and I must reach out to them when I struggle.

____ I understand that participation in the Field Experiences is designed to help me to explore my interests, to deepen my knowledge in academics and potential careers, and to give back to my community.

____ I will develop a personalized learning plan jointly with my advisor and parent/guardian and will commit to its successful completion.

____ I certify that I am prepared to make the adjustments necessary in my schedule to allow me to participate and complete my courses.

____ I commit to finish at least one year at the Fayetteville Virtual Academy before considering a different learning environment.

Date: _____

Student's Name: _____ Signature: _____

As a parent/guardian of a student in the Fayetteville Virtual Learning Academy, I will support my child in all areas mentioned above.

Parent/Guardian's name: _____ Signature: _____

As the advisor of the student named above in the Fayetteville Virtual Learning Academy, I will support this student in all areas mentioned above.

Advisor's Name: _____ Advisor's Signature: _____

LEGAL REVIEW OF WAIVER REQUESTS AND RESPONSES

Red=Waivers not previously requested, need additional discussion, or have remaining issues
Green=Waivers previously granted, no remaining issues
Information provided by Applicant is in italics.

**Fayetteville Virtual Academy
Waivers Requested in Original Application
2015 District Conversion Application**

1. School Day/Year/Seat Time

Ark. Code Ann. § 6-10-106 Uniform dates for beginning and end of school year

Ark. Code Ann. § 6-16-102 School Day

Ark. Code Ann. § 6-18-211 Mandatory attendance for students in grades nine through twelve

Ark. Code Ann. § 6-18-213(a)(2) Attendance records and reports generally

ADE Rules – Mandatory Attendance requirements for Students in Grades Nine through 12

Standards for Accreditation 10.01.4 (6 hour day)

Standards for Accreditation 14.03 (Seat time)

While FVA does not plan to start school early in year one, the school would like the opportunity to flex the school year calendar. Students should have the opportunity to use each day of the week for learning –students will still be accountable for 30 hours of work each week and will be monitored by teachers and learning coaches. FVA is asking for a waiver of the 120 clock hour concerning seat time – not any graduation requirements. FVA will adhere to the full curriculum alignment with the Arkansas frameworks. This waiver assists in providing the flexibility needed to reach the academic goals and to participate in field experiences.

Legal Comments: It appears the only part of Ark. Code Ann. § 6-10-106 needed is (a).

Applicant Response: We request to amend our waiver request of Ark. Code Ann. § 6-10-106 to only request § 6-10-106 (a).

Remaining Issues: None

2. CPR Instruction

Ark. Code Ann. § 6-16-143 Cardiopulmonary resuscitation instruction

Students will receive CPR instruction, but instruction will be virtual and will not include a psychomotor component.

Red=Waivers not previously requested, need additional discussion, or have remaining issues
Green=Waivers previously granted, no remaining issues
Information provided by Applicant is in italics.

Legal Comments: None

Remaining Issues: None

3. Licensure

Ark. Code Ann. §6-15-1004 Qualified teachers in every public school classroom

Ark. Code Ann. § 6-17-302 Public School Principals- Qualifications and responsibilities

Ark. Code Ann. § 6-17-309 Licensure- Waiver

Ark. Code Ann. § 6-17-401 Teacher's license requirement

Ark. Code Ann. § 6-17-902 Definitions

Ark. Code Ann. § 6-17-919 Warrants void without valid certificate and contract

ADE Rules – Licensure- Educator Licensure

Standards for Accreditation 15.01 through 15.03

ADE Rules Governing Parental Notification of an Assignment of a Non- Licensed Teacher to Teach a Class for More Than Thirty (30) Consecutive Days and for Granting Waivers

Teachers will be licensed in Arkansas except for those situations where a local teacher cannot be identified or for classes with a low number of students. In these cases, FVA intends to contract with a curriculum provider who will employ teachers who are licensed in the states they reside. While certified administrators and teachers will be sought, FVA requests the discretion to hire the best leaders and teachers for the school that is available. This waiver will aid in increasing student achievement by providing students with the most effective teachers and a full catalogue of courses, and in meeting the academic goals. FVA will fully comply with the Highly Qualified Teacher requirements as applicable. Teachers and Administrators will all need to successfully complete criminal background and Child Maltreatment Registry checks.

Legal Comments: It does not appear that waiver of Standard 15.01 is necessary. Also, the ADE Rules Governing Parental Notification no longer exists. Those rules were combined with the ADE Rules Governing Educator Licensure.

Applicant Response: We wish to withdraw the requests for waivers of Standard 15.01 of the Standards for Accreditation and the ADE Rules for Governing Parental Notification.

Remaining Issues: None

Red=Waivers not previously requested, need additional discussion, or have remaining issues
Green=Waivers previously granted, no remaining issues
Information provided by Applicant is in italics.

4. Personnel Policies (Teacher Fair Dismissal/Public School Employee Fair Dismissal)

Ark. Code Ann. §6-17-1501 et seq. Teacher Fair Dismissal Act

Ark. Code Ann. §6-17-1701 et seq. Public School Employee Fair Hearing Act

ADE Rules – Personnel Policies

With the new venture of a Virtual Academy, FVA requests the flexibility to make timely decisions regarding the best staff for students. All efforts will be made to support teachers to be successful in the virtual learning environment. Flexibility in staffing supports meeting the academic goals.

Legal Comments: Waiver of the ADE Rules Governing Personnel Policies is not necessary to have a waiver of the Teacher Fair Dismissal Act and Public School Employee Fair Hearing Act. If waiver of the ADE Rules Governing Personnel Policies is sought, the applicant should indicate which sections it wishes to waive and request the corresponding statutory sections.

Applicant Response: We wish to withdraw the request to waive ADE Rules – Personnel Policies.

Remaining Issues: None

5. Class Size and Teaching Load

Standards for Accreditation 10.02

In an online setting, teachers may successfully work with a larger number of students. The following alternative student to teacher ratio is proposed: Teachers (k-12) 40:1 This waiver supports flexibility in order to meet academic goals.

Legal Comments: None

Remaining Issues: None

6. Food Services

Ark. Code Ann. § 6-18-705 Breakfast Program

Ark. Code Ann. §6-20-701 et seq. School Lunch Program

Red=Waivers not previously requested, need additional discussion, or have remaining issues
Green=Waivers previously granted, no remaining issues
Information provided by Applicant is in italics.

As a virtual academy, FVA will not serve meals.

Legal Comments: Waiver of Ark. Code Ann. § 6-20-701 is not necessary.

Applicant Response: We wish to amend our waiver request for Arkansas Code Ann. §6-20-701 et seq. School Lunch Program to remove only Arkansas Code Ann. §6-20-701.

Remaining Issues: Waiver of Ark. Code Ann. § 6-20-701 et seq. is not necessary.

7. School Nurse/Media Services

Ark. Code Ann. § 6-18-706

Ark. Code Ann. § 6-25-103 & 104

Public School Library Media and Technology Act

ADE Rules – Public School Student Services 3.01.6

Standards for Accreditation 16.01, 16.02.3, and 16.03

As a virtual academy FVA will not require a school nurse of library media specialist. FVA will not employ a library media specialist or utilize a media center. These tools will be available online or through partnerships with local libraries. This waiver supports the virtual academy goals through flexibility.

Legal Comments: The applicant does not need a waiver of the entire Public School Library Media and Technology Act. The relevant statutes from that Act (Ark. Code Ann. § 6-25-103, 104) have already been requested to be waived.

Applicant Response: We wish to amend our waiver request concerning Media Services to only request Ark. Code Ann. § 6-25-103 through 6-25-106 and withdraw our request for a waiver of the entire Public School Library, Media and Technology Act.

Remaining Issues: None

8. Guidance Counseling Services

Ark. Code Ann. §6-18-1001 et seq.

Public School Student Services Act

Red=Waivers not previously requested, need additional discussion, or have remaining issues
Green=Waivers previously granted, no remaining issues
Information provided by Applicant is in italics.

ADE Rules – Public School Student Services 3.01.1

Standards for Accreditation 16.01.3

Through the Personalized Learning Plan, FVA staff will provide appropriate and individualized guidance for each student. The PLP Team will work with students in scheduling and post-graduation planning support. This waiver also supports the goal by providing the flexibility of the virtual academy to best meet the needs of all students.

Legal Comments: None

Remaining Issues: None

DESEGREGATION ANALYSIS: Fully responsive

Additional Waiver Requests: ALE

Applicant Response:

Regarding C12: Student Services, as suggested by the ADE Internal Charter Review Committee, we request waiver of:

Ark. Code Ann. §6-15-1005(b)(5)(A) Safe, equitable, and accountable public schools

Ark. Code Ann. §6-18-503(a)(1)(C)(i) Written student discipline policies required

Ark. Code Ann. §6-48-101 et seq. Alternative Learning Environments

ADE Rules – Student Discipline and School Safety Policies 4.10

Standards for Accreditation 19.03

Fayetteville Public Schools offers an established alternative education program within the school district. Teachers in the alternative education program are fully certified and receive specialized training in the pedagogy and curriculum to meet the needs of their students referred to the ALE. FVA will provide appropriate discipline and intervention responses for students with disciplinary, socially dysfunctional or behavioral problems, but will not provide a physical ALE center, as the school is operated virtually.

Remaining Issues: None

ADE LEGAL
DESEGREGATION
ANALYSIS

MEMO



ARKANSAS
DEPARTMENT
OF EDUCATION

DATE: November 6, 2015
TO: Charter Authorizing Panel
FROM: ADE Legal Staff
SUBJECT: Desegregation Analysis, District Conversion Public Charter School Applications

I. Introduction

Five public school districts submitted applications for district conversion charter schools:

- Cave City School District, proposing a charter school to provide instruction in grades nine (9) through twelve (12) with an enrollment cap of 1,200 students;
- Fayetteville School District, proposing a charter school to provide instruction in grades kindergarten (K) through twelve (12) with an enrollment cap of 500 students;
- Gentry School District, proposing a charter school to provide instruction in grades nine (9) through twelve (12) with an enrollment cap of 500 students;
- Hot Springs School District, proposing a charter school to provide instruction in grades nine (9) through twelve (12) with an enrollment cap of 1,200 students;
- Springdale School District, proposing a charter school to provide instruction in grades kindergarten (K) through twelve (12) with an enrollment cap of 2,000 students.

II. Statutory Requirements

Ark. Code Ann. § 6-23-106(a) requires the applicants for a charter school, the board of directors of the school district in which a proposed charter school would be located, and the authorizer to “carefully review the potential impact of an application for a charter school on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.” Ark. Code Ann. § 6-23-106(b) requires the authorizer to “attempt to measure the likely impact of a proposed public charter school on the efforts of public school districts to achieve and maintain a unitary system.” Ark. Code Ann. § 6-23-106(c) states that the authorizer “shall not approve any public charter school under this chapter or any other act or any combination of acts that hampers, delays, or in any manner negatively affects the desegregation efforts of a public school district or public school districts in this state.” This analysis is provided to inform the decision-making of the authorizer with regard to the effect, if any, of the proposed charter schools upon the desegregation efforts of a public school district.

III. INFORMATION SUBMITTED BY THE APPLICANT AND THE AFFECTED SCHOOL DISTRICTS

Each applicant addressed Desegregation Assurances in its application. The Department is unaware of any desegregation-related opposition to these applications from any other school district. Each applicant's desegregation analysis is attached to this memo.

IV. ANALYSIS FROM THE DEPARTMENT

"Desegregation" is the process by which a school district eliminates, to the extent practicable, the lingering negative effects or "vestiges" of prior *de jure* (caused by official action) racial discrimination.

As stated above, Arkansas law does not allow the authorizer to approve any public charter school that "hampers, delays, or in any manner negatively affects the desegregation efforts" of a public school district. Ark. Code Ann. § 6-23-106(c). The Supreme Court noted in *Missouri v. Jenkins*, 515 U.S. 70, 115 (1995):

[I]n order to find unconstitutional segregation, we require that plaintiffs "prove all of the essential elements of *de jure* segregation -- that is, stated simply, a current condition of segregation resulting from *intentional state action directed specifically* to the [allegedly segregated] schools." *Keyes v. School Dist. No. 1*, 413 U.S. 189, 205-206 (1973) (emphasis added). "[T]he differentiating factor between *de jure* segregation and so-called *de facto* segregation . . . is purpose or *intent* to segregate." *Id.*, at 208 (emphasis in original).

V. CONCLUSION

The Department is unaware of any data demonstrating that any of the proposed charter schools are motivated by an impermissible intent to segregate schools. However, the authorizer should carefully examine the proposed charter school applications in an attempt to determine whether there are legitimate, non-racially motivated reasons for the charter schools' existence.

Additionally, only one conversion charter school applicant, the Hot Springs World Class High School, would operate in a school district that is subject to a desegregation order. As noted by the applicant, the conversion charter school will not impede the Hot Springs School District's obligations to participate in inter-district school choice as provided in the controlling desegregation order.

20. Describe how the parents or guardians of the enrolled students and other members of the community will be involved with the school to positively impact the charter school's educational programs.

Applicant Response:

Parents and guardians will be invaluable in the success of Fayetteville Virtual Academy. From the moment a student enrolls in FVA, that student's parent or guardian becomes an active part of the learning process as a learning coach. Training and support will be offered to these learning coaches to underscore the importance of their role, and ensure student success.

Not only will parents and guardians serve their students in the home setting, parents who are experts in their fields will be enlisted as mentors and participants in the Field Experiences for other FVA students.

The success of the Field Experiences and Specialization will be determined in large part by the commitment of our community to join us in providing FVA. Partnerships with key community organizations and businesses will be sought to provide FVA students with field experiences that fulfill their Personalized Learning Plans and encourage further study.

Fayetteville Virtual Academy will have an active Parent-Teacher Organization (PTO). Additionally, the President of this PTO will serve on the district's Presidents' Council which meets monthly with the superintendent and key cabinet members to discuss district agenda items and concerns. FVA's PTO will convene monthly to provide their feedback to the administration and will also serve as representatives for the larger constituents.

The PTO will be able to serve as liaisons to all parents and serving as visible supporters of the FPS Virtual Academy.

21. Describe the potential impact of the proposed public charter school on the efforts of affected public school district(s) to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

Applicant Response:

This proposed conversion public charter school will not have an effect on any school that must comply with any court orders and statutory obligations as it relates to the maintaining a unitary system of desegregated public school. Fayetteville Virtual Academy will comply with all applicable federal and state statutory and regulatory requirements regarding the creation and maintenance of desegregated public schools; Fayetteville Public School District is not currently under any court ordered desegregation mandate.